

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

JEFFREY MARTIN BELLUCCI,

Plaintiff,

v.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,<sup>1</sup>

Defendant.

No. 2:20-cv-01684-JDP

STIPULATED MOTION AND [PROPOSED]  
ORDER FOR AN EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S OPENING  
BRIEF

The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security (the "Commissioner"), with the Court's approval, shall have a 30-day extension of time to respond to Plaintiff's opening brief. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

2. Defendant's response to Plaintiff's opening brief is currently due October 4, 2021. Defendant has not previously requested an extension of time for this deadline.
3. The Region IX Office currently handles all district and circuit court litigation involving the Social Security program arising in Arizona, California, Hawaii, Nevada, and Guam.
4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the attorneys who handle program litigation cases have additional responsibilities, such as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior attorneys, conducting trainings, and participating in national workgroups. In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing caseloads.
5. As of September 14, 2021, the Region IX Office has 404 district court briefs due in the next sixty days in the jurisdictions it handles; at least 300 of these are due in the next thirty days. In addition, the Region IX Office has nine appellate cases pending for briefing.
6. In addition to "program" litigation, the Region IX Office provides a full range of legal services as counsel for the Social Security Administration, in a region that covers four states (including the most populous state in the nation) and three territories. These other workloads include employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including Regional office client requests for advice on program issues, employee conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX Office has had to focus its efforts on processing only other workloads that are subject to statutory, regulatory,

and court deadlines.

7. The undersigned attorney has fifteen (15) merit briefs currently due in district court cases over the next month. In addition, the undersigned attorney will be out on paternity leave beginning next week and this case will be reassigned.

8. Due to the volume of the overall workload within the Region IX Office, neither the undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of October 4, 2021. Therefore, Defendant seeks an extension of 30 days, until November 3, 2021 to allow the reassigned attorney to respond to Plaintiff's opening brief.

9. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until November 3, 2021 to respond to Plaintiff's opening brief.

Respectfully submitted,

DATE: October 4, 2021

By s/ David J. Linden\*  
David J. Linden, Esq.  
Attorney for Plaintiff  
(\*as authorized by email)

DATE: October 4, 2021


By: s/ Oscar Gonzalez de Llano  
OSCAR GONZALEZ DE LLANO  
Special Assistant United States Attorney  
Attorneys for Defendant

**ORDER**

The parties' stipulation is construed as a motion, ECF No. 17, and granted. Defendant will have an extension, up to and including November 3, 2021, to respond to plaintiff's motion for summary judgment.

IT IS SO ORDERED.

Dated: October 4, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE